

JOURNAL OF THE SENATE

NINETIETH SESSION

TWENTY-NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 27, 2015

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Paul Bly, followed by the Pledge of Allegiance led by Senate pages Karissa Guthrie and Marcus Ireland.

Roll Call: All members present except Sens. Frerichs, Heineman (Phyllis), and Novstrup (David) who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-eighth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 HB 1030 and 1124 and returns the same with the recommendation that said bills do pass.

4 Also MR. PRESIDENT:

5 The Committee on Transportation respectfully reports that it has had under consideration
6 HB 1031 and returns the same with the recommendation that said bill do pass and be placed on
7 the consent calendar.

8 Also MR. PRESIDENT:

9 The Committee on Transportation respectfully reports that it has had under consideration
10 the nomination of Darin Bergquist of Hughes County, Pierre, South Dakota, to the position of
11 Secretary of the Department of Transportation and returns the same with the recommendation
12 that the Senate advise and consent to the confirmation of said reappointment.

13 Respectfully submitted,
14 Mike Vehle, Chair

15 Also MR. PRESIDENT:

16 The Committee on State Affairs respectfully reports that it has had under consideration
17 HB 1177 and returns the same with the recommendation that said bill do pass.

18 Also MR. PRESIDENT:

19 The Committee on State Affairs respectfully reports that it has had under consideration
20 HB 1064 and 1144 and returns the same with the recommendation that said bills do pass and
21 be placed on the consent calendar.

22 Also MR. PRESIDENT:

23 The Committee on State Affairs respectfully reports that it has had under consideration the
24 nomination of Tom Jones of Turner County, Viborg, South Dakota, to the Board of Economic
25 Development and returns the same with the recommendation that the Senate advise and consent
26 to the confirmation of said appointment.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration the
3 nomination of Steve Emery of Hughes County, Pierre, South Dakota, to the position of
4 Secretary of the Department of Tribal Affairs and returns the same with the recommendation
5 that the Senate advise and consent to the confirmation of said appointment.

6 Also MR. PRESIDENT:

7 The Committee on State Affairs respectfully reports that it has had under consideration the
8 nomination of James Hagen of Hughes County, Pierre, South Dakota, to the position of
9 Secretary of the Department of Tourism and returns the same with the recommendation that the
10 Senate advise and consent to the confirmation of said reappointment, and that said
11 reappointment be placed on the consent calendar.

12 Respectfully submitted,
13 Tim Rave, Chair

14 **MESSAGES FROM THE HOUSE**

15 MR. PRESIDENT:

16 I have the honor to return herewith SCR 7 in which the House has concurred.

17 Also MR. PRESIDENT:

18 I have the honor to transmit herewith HCR 1009 which has been adopted by the House and
19 your concurrence is respectfully requested.

20 Also MR. PRESIDENT:

21 I have the honor to return herewith SB 8, 9, 10, 29, 38, 57, 75, 76, 80, 90, and 93 which
22 have passed the House without change.

23 Respectfully,
24 Arlene Kvislen, Chief Clerk

25 **MOTIONS AND RESOLUTIONS**

26 SCR 6: A CONCURRENT RESOLUTION, to direct the Department of Education to
27 ensure South Dakota students are well-versed in civics and government.

1 Was read the second time.

2 Sen. Soholt moved that SCR 6 as found on page 392 of the Senate Journal be adopted.

3 The question being on Sen. Soholt's motion that SCR 6 be adopted.

4 And the roll being called:

5 Yeas 32, Nays 0, Excused 3, Absent 0

6 Yeas:

7 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
8 (Jenna); Haverly; Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson;
9 Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
10 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

11 Excused:

12 Frerichs; Heineman (Phyllis); Novstrup (David)

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 President declared the motion carried and SCR 6 was adopted.

15 HCR 1007: A CONCURRENT RESOLUTION, opposing the EPA's guidelines to reduce
16 carbon dioxide emissions from existing fossil fuel-fired power plants in a manner that will cause
17 economic harm.

18 Was read the second time.

19 Sen. Rampelberg moved that the Senate do concur in HCR 1007 as found on page 492 of
20 the House Journal.

21 The question being on Sen. Rampelberg's motion that HCR 1007 be concurred in.

22 And the roll being called:

23 Yeas 32, Nays 0, Excused 3, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
26 (Jenna); Haverly; Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson;
27 Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
28 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

29 Excused:

30 Frerichs; Heineman (Phyllis); Novstrup (David)

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 President declared the motion carried and HCR 1007 was concurred in.

3 Sen. Rave moved that HCR 1008 be deferred to Tuesday, March 3, the 30th legislative day.

4 Which motion prevailed.

5 HCR 1009: A CONCURRENT RESOLUTION, Designating 2015 as the "Year of
6 Remembrance for the Centennial Since the Commencement of the Armenian Genocide of 1915-
7 1923" in South Dakota and urging Congress and the President of the United States to formally
8 and consistently recognize and reaffirm the historical truth that the atrocities committed against
9 the Armenian, Greek, and other Christians living in their historical homelands in Anatolia
10 constituted genocide and to work towards equitable, stable, and durable Armenian-Turkish
11 relations and a fair, just, and comprehensive international resolution of this crime against
12 humanity.

13 Was read the first time, the President waived the referral to committee, and placed
14 HCR 1009 on the calendar of Tuesday, March 3, the 30th legislative day.

15 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

16 The following bill was read on February 26, 2015, and today the President Pro tempore
17 assigned this bill to committee.

18 HB 1153 was referred to the Committee on State Affairs.

19 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

20 The Senate proceeded to the consideration of the executive reappointment of Melody
21 Schopp of Perkins County, Meadow, South Dakota, to the position of Secretary of Education.

22 The question being "Does the Senate advise and consent to the executive reappointment
23 of Melody Schopp pursuant to the executive message as found on page 430 of the Senate
24 Journal?"

25 And the roll being called:

26 Yeas 31, Nays 1, Excused 3, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
3 (Jenna); Haverly; Heinert; Holien; Hunhoff (Bernie); Lederman; Monroe; Olson; Omdahl; Otten
4 (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton;
5 Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Nays:

7 Jensen (Phil)

8 Excused:

9 Frerichs; Heineman (Phyllis); Novstrup (David)

10 So the question having received an affirmative vote of a majority of the members-elect, the
11 President declared the reappointment confirmed.

12 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

13 The Senate proceeded to the consideration of the executive reappointment of Krista
14 Heeren-Graber to the S.D. Interstate Compact for Adult Offender Supervision.

15 The question being "Does the Senate advise and consent to the executive reappointment
16 of Krista Heeren-Graber pursuant to the executive message as found on page 402 of the Senate
17 Journal?"

18 And the roll being called:

19 Yeas 32, Nays 0, Excused 3, Absent 0

20 Yeas:

21 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
22 (Jenna); Haverly; Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson;
23 Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
24 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

25 Excused:

26 Frerichs; Heineman (Phyllis); Novstrup (David)

27 So the question having received an affirmative vote of a majority of the members-elect, the
28 President declared the reappointment confirmed.

29 The Senate proceeded to the consideration of the executive appointment of Myron L. Rau
30 to the S.D. Board of Pardons and Paroles.

31 The question being "Does the Senate advise and consent to the executive appointment of
32 Myron L. Rau pursuant to the executive message as found on page 402 of the Senate Journal?"

33 And the roll being called:

1 Yeas 32, Nays 0, Excused 3, Absent 0

2 Yeas:

3 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
4 (Jenna); Haverly; Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson;
5 Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
6 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

7 Excused:

8 Frerichs; Heineman (Phyllis); Novstrup (David)

9 So the question having received an affirmative vote of a majority of the members-elect, the
10 President declared the appointment confirmed.

11 **SECOND READING OF CONSENT CALENDAR ITEMS**

12 HB 1122: FOR AN ACT ENTITLED, An Act to authorize township boards to designate
13 certain roads as no maintenance roads.

14 Was read the second time.

15 The question being "Shall HB 1122 pass as amended?"

16 And the roll being called:

17 Yeas 32, Nays 0, Excused 3, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
20 (Jenna); Haverly; Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson;
21 Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
22 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

23 Excused:

24 Frerichs; Heineman (Phyllis); Novstrup (David)

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

27 HB 1097: FOR AN ACT ENTITLED, An Act to provide for a reduced minimum fall
28 enrollment for certain school districts.

29 Was read the second time.

30 The question being "Shall HB 1097 pass?"

1 And the roll being called:

2 Yeas 32, Nays 0, Excused 3, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
5 (Jenna); Haverly; Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson;
6 Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
7 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

8 Excused:

9 Frerichs; Heineman (Phyllis); Novstrup (David)

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1100: FOR AN ACT ENTITLED, An Act to clarify how a vacancy on a school board
13 is filled.

14 Was read the second time.

15 The question being "Shall HB 1100 pass?"

16 And the roll being called:

17 Yeas 32, Nays 0, Excused 3, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
20 (Jenna); Haverly; Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson;
21 Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
22 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

23 Excused:

24 Frerichs; Heineman (Phyllis); Novstrup (David)

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

27 HB 1137: FOR AN ACT ENTITLED, An Act to exclude the passing time between classes
28 in the number of hours required in the school term for secondary students.

29 Was read the second time.

30 The question being "Shall HB 1137 pass?"

1 And the roll being called:

2 Yeas 32, Nays 0, Excused 3, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
5 (Jenna); Haverly; Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson;
6 Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
7 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

8 Excused:

9 Frerichs; Heineman (Phyllis); Novstrup (David)

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 Sen. Rave moved that HB 1072, 1073, 1128, 1134, 1013, 1080, 1058, 1059, 1145 be
13 deferred to Tuesday, March 3, the 30th legislative day.

14 Which motion prevailed.

15 **SIGNING OF BILLS**

16 The President publicly read the title to

17 SB 8: FOR AN ACT ENTITLED, An Act to exempt certain transactions entered into by
18 the State Investment Council and Division of Investment from certain procurement
19 requirements.

20 SB 9: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
21 transfer of funds administered by the state investment officer.

22 SB 10: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
23 classes of investments used for state funds.

24 SB 29: FOR AN ACT ENTITLED, An Act to establish provisions for auxiliary members
25 to serve on the Board of Pardons and Paroles.

26 SB 38: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the state
27 communications system and the South Dakota law enforcement telecommunications system.

28 SB 57: FOR AN ACT ENTITLED, An Act to authorize and regulate the playing of craps,
29 roulette, and keno within the city limits of the city of Deadwood.

1 SB 75: FOR AN ACT ENTITLED, An Act to revise the effective period of the travel
2 permit for certain livestock used for rodeo purposes and to declare an emergency.

3 SB 76: FOR AN ACT ENTITLED, An Act to extend the length of time a local livestock
4 ownership inspection certificate is valid for transportation.

5 SB 80: FOR AN ACT ENTITLED, An Act to increase the selling price of a towed vehicle
6 that exempts the seller of the vehicle from certain vehicle dealer licensing requirements.

7 SB 90: FOR AN ACT ENTITLED, An Act to require school districts to provide veterans
8 a preference in employment.

9 SB 93: FOR AN ACT ENTITLED, An Act to impose a gross receipts tax on the rental of
10 certain motorcycles in lieu of the excise tax on motor vehicles.

11 HB 1005: FOR AN ACT ENTITLED, An Act to repeal the foundation program fund and
12 references thereto.

13 HB 1066: FOR AN ACT ENTITLED, An Act to clarify that the required notice
14 requirements related to continuing contracts do not apply to employees of postsecondary
15 technical institutes.

16 HB 1117: FOR AN ACT ENTITLED, An Act to provide for the approval of postsecondary
17 courses for certain nonpublic school students and students receiving alternative instruction.

18 HB 1217: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
19 James River Water Development District.

20 And signed the same in the presence of the Senate.

21 Sen. Greenfield (Brock) moved that the Senate do now adjourn, which motion prevailed
22 and at 1:44 p.m. the Senate adjourned.

23 Kay Johnson, Secretary

